

**TOWN OF LEE  
32 MAIN STREET  
PUBLIC MEETING NOTICE**

**POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 39  
SECTION 23B - AMENDED.**

**CONSERVATION COMMISSION**

**PLACE OF MEETING:** Judge's Chambers, Town Hall

**DAY, DATE & TIME:** Monday, Dec 7, 2009

**Member Present:** Deborah Garry, Chair, John Philpott, Marilyn Hansen, Kathy Arment, Stu Dalheim, John Coty, Audie Furgal, Assoc.

**Meeting called to order at 7pm.**

**7:00 Continued Notice of Intent, 615 Laurel, Thomas Fusco, Berkshire Engineering, multi-family dwelling.** Ann Bruzzi is still working with NHESP. They went to the Planning Board last month and requested that they listen to their plan to address NHESP comments on the location of the hairy honeysuckle.(?) The Planning Board suggested moving the 3 unit development into the tennis courts which is against the zoning by-laws. Don Torrico will assist in submitting a building permit application and he will go through the process with the Planning Board and the Zoning By Law. NHESP does not want plants disturbed which is why they are requesting the project to be moved. Continued to March 15 @ 7:00.

**7:15 Continued Notice of Intent, Naomi Alson, 1505 Pleasant Street, represented by Steven Bankert, SB Contracting, for the demolition of a barn.** Still waiting to hear from NHESP. Continued to Dec 21 @ 7:00pm.

**7:30 Request for Determination of Applicability, Massachusetts Highway Dept, for repaving along Route 102 by the Depot, 435 Pleasant Street**

Amer Raza, showed the plans of the garage on Route 102 outlining the existing pavement. They want to take two inches off the existing paved area and fill it back with two inches of bituminous material. The existing grade will not be changed. The area is in the flood plain with no natural barrier that delineates the line of work. They are asking whether the area depicted on the plan and on the maps is subject to jurisdiction of the Wetland Protection Act and then whether the area on the plans referenced below is subject to the Wetland's Protection Act. The area is in the flood plain with no fencing to

delineate the area. The Determination of Applicability was carefully reviewed to understand the different options before the Commission. MA Highway is requesting a negative 2&3 which says that this is an area subject to Wetland Protection Act but they are not filtering, dredging or altering anything. Marilyn motioned for a positive determination that the area is within Conservation's jurisdiction and a negative determination for work that will not require an NOI and that the work be conditioned. John seconded the motion. All in favor. John motioned to close the public hearing, Kathy seconded, all in favor. Conditions to be issued.

#### **7:45 Request for Determination of Applicability, MeadWestVaco, installation of three propane tanks at the Laurel Mill waste water treatment plant**

Daniel Grant, representing. There is a proposed project to keep the waste water plant from freezing in the winter by heating water with propane. The tanks would need to be located by the waste water plant which is in the flood plain, There are three tanks that are 1000 gallons, 4 feet around and 16 feet long. The RDA included a summary of the project including compensatory storage which will consist of concrete blocks and earth and berm, silt fencing to be installed between the limit of work and the remaining flood plain area, inspections conducted during construction and no stockpiling of materials between the silt fence and remainder of the flood plain. It was questioned whether propane tanks could be installed within the floodplain. Mr. Grant explained that the design is such that a flotation of an empty tank is compensated by the concrete it sets on. The tanks will be bolted to these concrete pads to keep them from floating away when empty. The concrete is below grade with the tanks at grade. Natural gas cannot be used because it comes to the front of the Laurel Mill which was recently installed. To get it back to the waste water plant and under the tracks is cost prohibitive in this project. This needs to be installed within 5-6 weeks. Daniel referenced the map outlining where the compensatory storage will be. Motion by Stu to find a negative determination, seconded by JP, all in favor. Conditions will be included. John motioned to close the public hearing, seconded by Kathy, all in favor.

#### **8:00 Ron Fortune, Consulting and Design, to discuss the opening of the Mobile Station.**

The station is located on Housatonic Street across from the Shell Station. Mr. Callahan asked him to assemble the paperwork. Mr. Fortune showed maps outlining the intended project. They want to put an addition to the side of the building to square the building off. Dispensers and a canopy are to be included which means going before ZBA for work within a flood plain as well as a variance. The islands will be set back farther then what used to exist. The parking area needs to be addressed. All four resource areas: River bank regulations, Bordering Vegetated Wetland, Area subject to Flooding and the Riverfront areas will need to be dealt with. Marilyn suggested that remediation work be completed so a Certificate of Compliance can be issued on the NOI. Mr. Fortune will get their environmentalist in to give a narrative on the status.

**8:15 Notice of Intent, Glenn Hersh, 470 Cooper Creek, an addition, remove and build a new garage, upgrade the septic and improve drainage within 100' Buffer Zone wetland and bank bordering on Goose Pond**

Gail Ceresia, Berkshire Wetland Services. At this time the abutters have not been notified nor has NHESP been issued the paperwork. She will also notify the abutters that the hearing is continued to Dec 21. In reviewing the plans, she showed where Cooper Creek Road is in relation to Goose Pond. Based on a previous RDA, the wetlands were flagged with an agreement on the boundaries. She pointed out the wetlands on the map. No wetlands were found uphill; nor any gulleys. Therefore no jurisdictional areas that she is aware of. There is an existing house that will have its footprint increased with an addition. The existing garage will be removed replaced by the addition and add another garage. The septic is an intermittent sand filter and the affluent will go to the septic tank, then go to a closed sand filter and eventually pumped to a leaching field. Variance to the setbacks have been approved. They are also proposing to put 20 x 20 basin to halt the water coming down from the road. By enhancing these swales, they are encouraging the water to go down into the wetland areas. In the higher flow areas stone will be placed. The culverts there now are currently 6 inches in diameter and will be increased to 12 inches. The project will not be done until the spring. Continued to December 21 @ 7:15.

**8:30 Country Curtains to go over the flood plain on Rt.102**

At the static building, east of Country Curtains, paving of the driveway was being done that was noticed by Don Torrico and which he estimated to be in the floodplain. Marilyn demonstrated on the map where the intermittent stream was in relation to the paving project also stating they were well out of the floodplain. The parking area was compacted dirt, but now is blacktop with the same elevation.

**Other Business:**

Dick Cody, 190 Church Street, Frances Garrity representing. Town put in 2 culverts in to drain the water and now it is a swale which cannot handle the flow and it is now eroding his back yard. The two culverts will be tied together and run the culvert all the way down and stop it 15-18 feet back from where it goes into the brook. Then they will widen out the discharge, and put liner down with modified rip rap to slow the head of the water down which will disperse it out. The existing swale will be cleaned out and an 18 inch pipe will be placed which will slow things down. The banks will be stabilized with liner and riprap. The Commission will not require an RDA but would ask for a letter summarizing the project. This will start next Monday.

**Approval of Minutes of Nov. 2 and Nov 16**

Stu motioned to accept the minutes of November 2, seconded by JP, all in favor. The minutes from the 16<sup>th</sup> will be revised by Audie and resubmitted.

A letter was submitted by Sarah Steiner who challenges the classification of the Tom Touponce property as a “farm” which she considers a waste disposal area. On June 3, 2009, the Commission sent a letter regarding the paperwork that is required under the Wetland Protection Act for a farm. He responded on June 10. The Commission has decided that Mr Touponce should be invited to address the Commission.

The Town wants to finalize the Open Space Plan in order to go after grant money. Another committee will be formed and a representative from Conservation will be expected to attend.

At the Bio Deisel – Stu summarized the recent meeting including the environmental and financial aspects. The storage tanks are supposedly out of the flood plain though this was disputed. The RR siting would be moved out of the flood plain. A woman from the state outlined the steps in the process and there was also discussion on the issues of the water, the wells, etc. The two outstanding issues is the lack of experience, with the other being the economic liability. The one significant comment is the safety for the RR transporting tankers.

Motion to close by JP, seconded by Stu, all in favor. Meeting closed 8:50pm.

**Office Duty:**

**Dec 14 – Marilyn**

**Dec 28 - JP**

**Respectfully Submitted,**

**Martie Martin**

- Motion to close public hearing—no more information can be presented.
- Motion to approve or deny.